



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,629	08/29/2001	Toshiya Takahashi	2001-1215A	5593
52349 7590 09/21/2007 WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006			EXAMINER TOPGYAL, GELEK W	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/940,629	TAKAHASHI, TOSHIYA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gelek Topgyal	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 29-36 is/are pending in the application.
- 4a) Of the above claim(s) 9-22, 24, 25, 27 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/27/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 29-36 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 29-30, 32-33 and 35-36** are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (US 6,538,698).

**Regarding claim 29**, Anderson teaches an interface device (Fig. 1, camera 110) operable to receive an externally generated image input, and operable to receive an auxiliary information input (Figure 1 and col. 3, lines 24-47 teaches of CPU 344 which can include "one or more DSPs or ASICs" for "controlling the operations of the camera 110". Figure 1, Col. 3, lines 14-17 and col. 3, lines 41-46 teaches of an imaging device 114 and I/O ports that are connected to the CPU 344. Furthermore, col. 5, line 41 through col. 6, line 16 teaches wherein tags 825 are either generated and/or calculated by the system itself or input by the user which is later sent to the CPU 344 for further storage);

an imaging unit operable to capture and photoelectrically convert an image into an image signal when said interface device receives the externally generated image input (col. 3, lines 14-17 teaches of an imaging device 114, such as a CCD);

a coding device operable to generate first digital data by compressing the image signal created by said imaging unit when said interface device receives the externally generated image input (col. 3, lines 32-24 and col. 4, lines 14-27 teaches of the CPU 344 for compressing images received from the imaging device 114); and

a digital data generation device (CPU 344) operable to combine, at a time when said interface device receives the auxiliary information input and when the image is captured and photoelectrically converted into the image signal by said imaging unit (Fig. 5-6 and col. 5, line 41 through col. 6, lines 16 teaches of several types of additional information stored at the time an image is captured by the imaging unit, including: 1) capture information tags 710, 2) User tags 715, 3) Product tags 720 and 4) Automatic

Art Unit: 2621

Category Tags 735. The CPU 344 combines the above tags together with the image data 810), the auxiliary information received at the time with the first digital data corresponding to the image captured and photoelectrically converted by said imaging unit at the time, to produce second digital data comprising the combined auxiliary information and first digital data, and operable to output the second digital data to a recording device or a transmission device (Fig. 5-6 and col. 5, line 41 through col. 6, lines 16 teaches that the image data 810 and the additional information (as discussed above) are combined into an image file 835 to be stored onto medium 354 (Figure 1)).

**Regarding claim 30**, Anderson teaches the claimed wherein said interface device includes an identifier input part operable to identify the first digital data, and wherein the auxiliary information identifies the first digital data according to said identifier input part (col. 5, lines 29-40 teaches wherein the information stored in tags 825 maybe used for sorting and identifying a particular image via menu-driven GUI (col. 4, lines 28-39)).

**Regarding claim 32**, Anderson teaches the claimed wherein said digital data generation device is operable to insert the auxiliary information into a header portion of the first digital data, and operable to generate the second digital data comprised of the first digital data and the auxiliary information inserted into the header portion of the first digital data (As discussed in claim 29 above, Anderson teaches in col. 5, line 41 through col. 6, lines 16 that the images tags 825 are stored along with the image data 810 in image file 835).

**Regarding claim 33**, Anderson teaches the claimed wherein said imaging device is integrated into a camera (As discussed above in claim 29, the imaging device 114 is included in the digital camera 110).

**Claims 35 and 36** are rejected for the same reasons as discussed above in device claim 29.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 31** is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 6,538,698) in view of Miyasaka et al. (US 5,493,647).

**Regarding claim 31**, Anderson teaches the limitations as discussed in claim 29 above, furthermore teaches a microphone operable to receive audio (col. 4, lines 36-37), however fails to particularly teach wherein the auxiliary information indicates a level of audio received by said microphone.

In an analogous art, Miyasaka et al. teaches in col. 12, lines 6-26 wherein attributes of the level data of a quantized audio signal is stored in an auxiliary information storage area.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to incorporate the ability to recorded the attribute of the level data of a quantized audio signal into the system of Anderson so

Art Unit: 2621

that the system can use the information to increase memory space by writing over non significant audio parts stored in higher level audio parts.

7. **Claim 34** is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 6,538,698).

**Regarding claim 34**, Anderson teaches the claimed as discussed in claim 29 above, however fails to particularly teach wherein the imaging device is integrated into a mobile phone.

It is well known and old in the art to incorporate imaging devices, such as CCD cameras into mobile phones. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to incorporate imaging device, such as CCD cameras into mobile phones to increase portability.

### ***Conclusion***

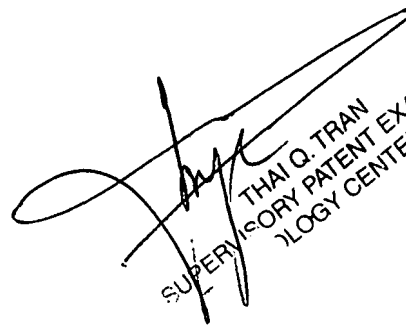
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 571-272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GT  
9/11/07

  
THAI Q. TRAN  
SUPERVISORY PATENT EXAMINER  
BIOLOGY CENTER 2600